

Executive Director's Message

It is my pleasure to present the 2012 annual report of the Interstate Mining Compact Commission (IMCC). In spite of the partisan gridlock that preoccupied most of official Washington throughout the year, particularly as the November national election loomed, IMCC was actively engaged on a number of fronts for the member states. As is traditionally the case, the year began with a series of oversight hearings by House and Senate Appropriations Committees on the Administration's budget for Fiscal Year (FY) 2013, at which IMCC presented testimony concerning impacts on state grant funding.

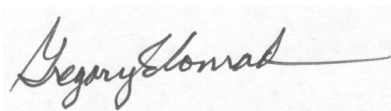
As summer approached, Congress, in a surprise move, included an amendment in the Surface Transportation Bill (MAP-21) that restricted abandoned mine land (AML) payments to states and tribes who are certified as having completed their coal AML work under the Surface Mining Control and Reclamation Act. Given several unintended consequences in the MAP-21 amendment for uncertified states, IMCC was involved in an effort to craft a further amendment that was included in the FY 2013 continuing appropriations bill to address the matter. Other legislative initiatives in which IMCC was involved during the year included a legislative hearing on AML legislation to expand funding for noncoal reclamation projects, a proposed consolidation of functions between the Office of Surface Mining (OSM) and the Bureau of Land Management, and oversight of OSM's stream protection rule.

IMCC continued its sponsorship of benchmarking workshops in 2012 with two notable sessions: a workshop on mine mapping in Pittsburgh on February 15 and 16, which was attended by 75 state and federal agency personnel and a regional noncoal workshop in Charlotte, North Carolina on December 11 and 12, which was attended by 25 state agency personnel. IMCC also sponsored a meeting of affected states to discuss water quality issues related to mining operations on September 6 in St. Louis at which 45 state agency personnel participated. IMCC also continued its working relationships with the National Association of Abandoned Mine Land Programs (NAAML) and entered into a fee for services contract to assist the Association with legislative and regulatory affairs matters.

IMCC presented the perspectives of the states in an amicus brief in support of the state of Oklahoma in a proceeding before the U.S. Court of Appeals for the Tenth Circuit which addressed state permitting authority issues and initiated a process to submit amicus briefs on behalf of the state of North Dakota in two cases involving state primacy issues before the U.S. District Court for the District of North Dakota.

IMCC was delighted to welcome Nevada as our newest associate member state in July and made significant progress during the year in advancing legislation in Alaska and Utah to pursue full membership.

As we noted in our revised strategic plan that was adopted at the annual meeting in Asheville, IMCC continues to improve communications with the member states, enhance our working relationships with the federal government and Congress and insure the institutional integrity of the organization. I look forward to working with you as we advance these goals and strengthen the effectiveness of IMCC.



Gregory E. Conrad
Executive Director
Interstate Mining Compact Commission

**2012 Annual Report
of the
Interstate Mining Compact Commission**

Gregory E. Conrad
Executive Director

Beth A. Botsis
Director of Programs

445-A Carlisle Drive
Herndon, Virginia 20170
Phone: 703.709.8654
Fax: 703.709.8655
Web Site:
<http://www.imcc.isa.us>
E-Mail:
gconrad@imcc.isa.us
bbotsis@imcc.isa.us

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2012 Officers



Governor Mitchell E. Daniels
Indiana — Chairman



Governor Rick Perry
Texas – Vice Chairman



Governor Pat Quinn
Illinois — Treasurer

History and Purpose of the Compact

The Southern Governors' Conference Meeting in San Antonio, Texas in 1964 recognized and came to grips with the problems of surface mining. Governor Edward R. Breathitt of Kentucky and Governor Bellmon of Oklahoma sponsored a resolution which in part read: "Whereas the Council of State Governments sponsored an interstate conference, in which surface mining problems of the states were reviewed, and whereas such conference underlined the desirability of action by industry to utilize techniques designed to minimize waste of our natural resources and the desirability of action by the states to assure adherence to sound standards and procedures by the mining industry: Now, therefore, be it resolved by the Southern Governors' Conference that the Council of State Governments be requested to assist representatives of the states in which surface mining takes place in exploring the possible role of interstate action, through Compact and otherwise, in this field."

The Interstate Mining Compact Commission (IMCC) was thus conceived and Kentucky became its first member followed by Pennsylvania and North Carolina. With the entry of Oklahoma in 1971, the Compact was declared to be in existence and operational. In February 1972, permanent headquarters were established in Lexington, Kentucky and an executive director was retained. Since that time, twenty additional states — West Virginia, South Carolina, Maryland, Tennessee, Indiana, Illinois, Texas, Alabama, Virginia, Ohio, Louisiana, Arkansas, New Mexico, Missouri, New York, North Dakota, Utah, Wyoming, Alaska and Colorado — have become members. New Mexico withdrew from the Compact in 1991 as a full member but rejoined as an associate member in 2000. New York joined the Compact as its first associate member state in 1994. Since then the following states have also joined as associate members: North Dakota (2000), Utah (2004), Wyoming (2005), Alaska (2006), Colorado (2007), and Nevada (2012).

New York is now a full member.

The Mining Compact is designed to be advisory, not regulatory in nature, and its defined purposes are to:

- ▶ Advance the protection and restoration of the land, water, and other resources, affected by mining;
- ▶ Assist in the reduction or elimination or counteracting of pollution or deterioration of land, water, and air attributable to mining;
- ▶ Encourage (with due recognition of relevant regional, physical, and other differences) programs in each of the party states which will achieve comparable results in protecting, conserving, and improving the usefulness of natural resources, to the end that the most desirable conduct of mining and related operations may be universally facilitated;
- ▶ Assist the party states in their efforts to facilitate the use of land and other resources affected by mining, so that such may be consistent with sound land use, public health, and public safety, and to this end study and recommend, wherever desirable, techniques for the improvement, restoration, or protection of such land and other resources; and
- ▶ Assist in achieving and maintaining an efficient and productive mining industry and increasing economic and other benefits attributable to mining.

Report of the Executive Director

Election years tend to begin fast and furious, with both legislators and executive agencies realizing that if anything of note is going to be accomplished, it must happen before mid-year, when traditionally government enters into a holding pattern in advance of a national election. Not only was 2012 no exception to this rule, it served as a poster child for how debilitating an election can be in terms of progress. With each presidential election cycle, the legislative and regulatory gridlock that accompanies partisan politics seems to creep earlier into the year. By July, most executive agencies were stymied in their attempts to move anything controversial due to potential political consequences. As a result, IMCC began the year fully engaged in the appropriations process and was eventually occupied in the early summer with a move to amend the Surface Mining Control and Reclamation Act (SMCRA) to restrict funding for state abandoned mine land programs. The balance of the year was spent monitoring several policy and rulemaking initiatives that were eventually delayed until after the election. Even with the disarray caused by the election, activity continued at a frenetic pace for IMCC as we pursued both internal and external initiatives that competed for our time and resources.

Each year the budget and appropriations process seems to get more complicated and confusing and 2012 proved to be a banner year for uncertainty and angst. The Budget Control Act of 2011 introduced a fiscal tactic that has not been used for some time. “Sequestration” became the newest twist in congressional attempts to control deficit spending. Without a budget agreement between the House and Senate, mandatory across-the-board spending cuts were scheduled to occur on January 1, 2013 that would heavily impact both domestic and military/ national security programs. A number of “grand compromises” between Congress and the President were considered throughout the year to address the matter, but none succeeded and as the year ended, uncertainty reigned. Eventually, Congress punted on the issue and moved the critical date for a

decision on sequestration cuts forward to March 1, 2013. Nonetheless, throughout the year, appropriators began taking a harder look at agency budgets for Fiscal Year (FY) 2013 and IMCC worked tirelessly to advance the position of the states concerning funding for grants that support programs for abandoned mine land reclamation projects, regulation of active coal mining operations, and the training of our Nation’s miners.

More specifically, IMCC testified at an oversight hearing by the Energy and Mineral Resources Subcommittee of the House Natural Resources Committee on March 6 concerning OSM’s proposed budget for FY 2013. IMCC also testified at a hearing by the House Interior Appropriations Subcommittee on March 21. IMCC also prepared testimony for the National Association of Abandoned Mine Land Programs (NAAML) which was presented by NAAML President Madeline Roanhorse of the Navajo Nation on March 6 and later submitted to the House Interior Appropriations Subcommittee. IMCC also filed statements on behalf of itself and NAAML with the Senate Interior Appropriations Subcommittee and with the Senate Energy and Natural Resources Committee regarding OSM’s FY 2013 budget request. In a related development, IMCC submitted written statements concerning the FY 2013 budget request for the Mine Safety and Health Administration (MSHA) to the Labor, Health and Human Services, Education and Related Agencies Subcommittees of the House and Senate Appropriations Committees on March 26. As information about the potential sequestration cuts was released, IMCC and NAAML sent a letter on November 27 to the House and Senate Appropriations Committees regarding the impacts of sequestration on funding for state grant programs. The letter was accompanied by a resolution adopted by IMCC regarding federalism and funding.

During the summer, extensive work was undertaken by IMCC, in coordination with NAAML, to represent the interests of the states

and tribes regarding legislation to amend the AML program under Title IV of SMCRA by limiting the amount of payments to certified states and tribes to \$15 million annually. The surprise legislative maneuver was contained in the Surface Transportation Bill (MAP-21) and was intended as an offset for spending to support the Secure Rural Schools program. Numerous phone calls and emails were exchanged with congressional staff from the House Appropriations and Natural Resources Committees and with the Senate Energy and Natural Resources and Environment and Public Works Committees to ascertain the potential impacts of the bill. Given the unintended consequences of the bill for uncertified states, a perfecting amendment was drafted, with IMCC's assistance, and was included in the Continuing Resolution (CR) for Fiscal Year 2013.

IMCC held several conference calls with both IMCC and NAAMLMP member states and tribes during July and August as we monitored progress of these AML bills and provided input to congressional staff. IMCC also met with Rep. Lummis (R-WY) on July 24 to discuss the legislation. A follow up meeting occurred on November 29. Earlier in the year, IMCC met with congressional staff for the above-mentioned committees to discuss the proposed FY 2013 budget for the Office of Surface Mining. IMCC monitored a markup of the Interior Department's FY 2013 appropriations measure by the full House Appropriations Committee on June 27, as well as an oversight hearing by the House Natural Resources Committee regarding OSM's stream protection rule on July 19. IMCC also joined with the Western Governors Association in a meeting with Senator Murkowski's (R-AK) staff on July 26 to discuss EPA's anticipated rulemaking on financial assurance for the hardrock mining sector. IMCC had previously met with Western Governors Association (WGA) staff to discuss a number of western mining issues on February 21 in an effort to coordinate our respective positions and actions. Several additional conference calls were held throughout the year to coordinate actions concerning the Environmental Protection Agency's (EPA) rulemaking on financial assurance.

Also on the legislative front, IMCC testified at a legislative hearing by the House Energy and Mineral Resources Subcommittee on February 17 concerning H.R. 785, which would authorize states and tribes to use their unappropriated state and tribal AML share balances for noncoal reclamation work and for the acid mine drainage set-aside account. A similar bill (S. 897) was introduced in the Senate on which IMCC submitted a statement in support on May 18, 2011. The House Natural Resources Committee approved S. 897 (as a substitute for H.R. 785) on February 22, since the full Senate had previously approved the bill last July. IMCC, together with NAAMLMP, sent letters to the House leadership on December 5 urging a vote on S. 897, but unfortunately the full House never took up the measure before the end of the session.

In October of 2011, the Interior Department announced the potential consolidation of various functions between the Office of Surface Mining and the Bureau of Land Management. IMCC testified at a congressional hearing before the Senate Energy and Natural Resources Committee on the matter in November of 2011. On January 11, IMCC facilitated a conference call of the member states to discuss the status of the consolidation and to prepare for a series of public hearings. IMCC testified at the public hearing on January 30 in Washington, DC and submitted formal written comments on the consolidation proposal. IMCC also developed briefing materials and talking points for the states to use at various field hearings. The final report on the consolidation was released by the Secretary of the Interior on March 13 and was provided to the member states via memo of March 14. IMCC continued to monitor the action items growing out of the report throughout the balance of the year. IMCC adopted a resolution at the 2012 Mid-Year Meeting regarding the proposed consolidation which was sent to Deputy Interior Secretary David Hayes via letter of October 17.

As part of its congressional affairs work, IMCC continued to coordinate its efforts with the National Association of Abandoned Mine Land Programs (NAAMLMP), as noted above. IMCC met

with NAAMLPLP members during the Association's Winter Meeting on February 27 and 28 in St. George, Utah and provided several updates on pending legislative and regulatory issues. I presented a paper on "Pursuing Productive Partnerships: Progress, Pitfalls and Political Prognosis" at the NAAMLPLP Annual Conference from September 23 - 26 in Des Moines, Iowa and also provided a regulatory and legislative issues briefing during the business meeting. During the latter meeting, NAAMLPLP approved a contract for services with IMCC to provide legislative and regulatory affairs assistance. The contract will be reviewed annually and runs from October 1 - September 30.

IMCC also interacted with several other groups throughout the year on a variety of issues, including the following:

- Met via conference call on January 19 and October 4 with several Pennsylvania watershed groups to discuss the potential for Good Samaritan legislation related to AML cleanup efforts during the second session of the 112th Congress.
- Met via conference call with staff members from Earthworks on August 24 to discuss pending AML legislation.
- Presented a paper entitled "SMCRA Issues Update: Sustainable State Sovereignty?" at the 2012 Conference of Government Mining Attorneys (COGMA) on September 18 and 19 in Knoxville, TN.
- Met with a facilitator on behalf of the Interior Department on March 5 to discuss the Extractive Industries Transparency Initiative (EITI), which is intended to promote stability and reduce corruption in resource-rich countries around the world by offering a voluntary framework for governments and companies to publicly disclose revenues paid and received for the extraction of oils, gas, and minerals owned by the

government. The design of each framework is country-specific and is developed through a multi-year, consensus-based process by a multi-stakeholder group composed of government, industry and civil society. Interior expressed interest in the types and amounts of data available from the states regarding royalty payments and severance taxes associated with minerals development. Follow up calls were held with the Interstate Oil and Gas Compact Commission (IOGCC) and WGA to discuss who should represent the states on an advisory committee that would be established as part of the USEITI. In the end, the executive directors of both IMCC and IOGCC were nominated to serve in this capacity. Conference calls were held with the facilitator for USEITI to discuss the role of the states on August 15 and 17. The first official meeting was expected to occur after the first of the year.

IMCC pursued its goal of developing benchmarking sessions and roundtable discussion opportunities for the member states during the year. IMCC sponsored and facilitated a benchmarking workshop on mine mapping on February 15 and 16 in Pittsburgh at which a total of 75 state and federal agency personnel participated. The workshop received an overall rating of 4.5 out of 5 for quality. IMCC had received \$15,000 from OSM and \$5,000 from MSHA to support the expenses associated with the workshop. A steering committee consisting of state and federal agency personnel met on several occasions to develop the program for the workshop, including a conference call on January 24.

IMCC sponsored and facilitated a meeting to discuss water quality issues related to mining on September 6 in St. Louis at which 45 state agency officials from across the country participated. It was preceded by a dinner meeting on September 5 to discuss various SMCRA issues with 25 state representatives participating. In preparation for the water issues meeting, IMCC

discussed the matter with staff from the Association of Clean Water Administrators (ACWA), the Environmental Council of the States (ECOS) and WGA to insure effective coordination of our respective efforts. Given that this is a relatively new issue area for IMCC, considerable time was spent preparing for the meeting. We also contracted with Karen Bennett of the Hunton and Williams law firm to assist with preparation for and presentations at the meeting.

IMCC also sponsored and facilitated the first of two regional noncoal symposiums. The Eastern States Symposium was held on December 11 and 12 in Charlotte, North Carolina and focused on electronic permitting, resource identification and preservation issues (including uranium mining in Virginia), financial responsibility issues, and state noncoal legislative and regulatory updates. A total of 25 state agency personnel attended. The second workshop, which will focus on western mining issues, will be held in early 2013. In preparation for each of these workshops, conference calls were held with the respective steering committees and presenters throughout the summer and fall.

On the regulatory front, IMCC was active on several initiatives, including a series of meetings with our federal agency partners concerning critical issues for the states, as follows:

- IMCC member states met via conference call with officials from the Mine Safety and Health Administration (MSHA) on April 10 with 15 states and approximately 45 state and federal personnel participating. A number of state/federal issues were discussed and follow on meetings and conference calls were planned on several topics. In preparation for this call, several IMCC member states met via conference call on February 13 to discuss the development of memoranda of understanding between MSHA and the states concerning the regulation of coal waste impoundments and refuse piles.

- IMCC helped plan and participated in a meeting between OSM's Appalachian Regional staff and the Appalachian states on June 5 and 6 in Roanoke, West Virginia.
- IMCC participated in a meeting between OSM's Western Regional staff and the western states on August 21 and 22 in Denver, Colorado.
- IMCC continues its involvement as a member of OSM's National Technology Transfer Team. Conference calls were held on January 18, March 1, May 23, July 3, September 11 and December 20. IMCC attended the annual meeting of the NTTT from March 28 - 30 in Pittsburgh, during which potential applied science projects for FY 2012 were selected.
- IMCC continues to play a lead role with regard to the work of the Acid Drainage Technology Initiative (ADTI). Nick Schaer of West Virginia serves as IMCC's representative on the ADTI Operations Committee and Coal Sector.
- IMCC continues its work with the Geomine prototype steering committee that is responsible for developing a geospatial database for surface coal mining permits, including a pilot project for testing the database effort. Participating pilot program states include West Virginia, Kentucky, Virginia and Tennessee. A conference call of the leadership team, which includes IMCC, was held on March 1. Additional calls were held on April 17, May 18, June 18, August 1, 14 and 27, and September 13. IMCC submitted a proposal to OSM for funding a workshop on geospatial technology enhancements to be held in late 2013 or early 2014. A conference call was held with OSM to discuss the workshop on June 13.

- IMCC is participating as part of a Steering Committee that is planning the next Indiana Bat Interactive Forum by OSM. Conference calls were held on January 24, April 3, June 27, and August 28. IMCC also continues to serve as a member of the executive management team overseeing development of the Range-wide Indiana Bat Guideline document. The team met via conference call on April 12 to discuss next steps for potentially revising the guidelines to reflect input received in response to a survey that IMCC conducted regarding implementation and use of the guidelines.
- IMCC serves on a steering committee that is formulating the next OSM technical forum on mine placement of coal combustion residues. The committee met via conference call for the first time on November 20.
- IMCC is working with OSM and a handful of affected states to explore the potential of resolving differences between the states and OSM regarding permit termination requirements under Section 506 (c) of SMCRA. IMCC developed an options paper that discusses several approaches for addressing the issue.
- IMCC met with officials from the U.S. Geological Survey on March 1 to discuss the availability of data from the states concerning critical and strategic minerals.
- IMCC participated in a retirement recognition for Sarah Donnelly, OSM's Chief of Technical Training, on January 18, at which time IMCC presented Sarah with a gift and resolution recognizing her work on behalf of the states.
- IMCC attended OSM's celebration of the 35th anniversary of SMCRA on August 2 at OSM headquarters in Washington, DC, along with a roundtable discussion which followed.

- IMCC met via conference call on May 23 with a consultant that is facilitating a series of discussions between EPA, the Bureau of Land Management and the U.S. Forest Service concerning EPA's rulemaking under Section 108 (b) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

On the administrative front, IMCC published its annual report for 2011 in August which was distributed to the member states and to prospective member states. It is also available on IMCC's website. IMCC conducted its annual audit on August 1 and the report of the auditors was distributed to the member states on August 28. IMCC published four e-newsletters during the year and updated its website with several new enhancements, including presentation materials from IMCC meetings. We have also added materials from past IMCC-sponsored benchmarking workshops. Copies of the Executive Directors reports (which are prepared semi-annually) are also available on the website, which can be useful in providing an overview of our most current, active issues and initiatives. An updated membership directory, as well as meeting announcements and other general information, continues to be available on the website. IMCC also sent over 50 informational e-memos to the member states during the year on a variety of subjects.

IMCC established an Ad Hoc Committee on Financial and Organizational Integrity Issues which met via conference call on May 17, July 18 and September 27 to discuss a variety of issues affecting IMCC, including state dues assessments for both full and associate member states, IMCC priorities and workloads, compact legislation for new member states, open meeting requirements and other legal requirements related to compact membership. IMCC contracted with Rick Masters, legal counsel with the Council of State Governments, to assist with legal analysis and support materials. The Strategic Planning Task Group concluded its work in early 2012 and presented a revised strategic plan to the member

states which was approved at the annual meeting in North Carolina. Conference calls of the Task Group were held on January 26 and March 2. The IMCC Finance and Administrative Committee met via conference call on March 26 to review staff performance evaluations and to prepare a budget for FY 2013.

IMCC worked closely with the state of Alaska during the year in developing draft compact legislation, which was ultimately introduced in both the Alaska House and Senate in February. IMCC testified via conference call at four legislative committee hearings – two in the House and two in the Senate – during March and April. IMCC also worked with the state of Utah to draft compact legislation for consideration by its legislature. As part of these efforts, IMCC also researched the question of whether compact member states must require the establishment of advisory bodies as a prerequisite to compact membership and prepared a legal opinion on the matter following input from the current member states.

IMCC welcomed Nevada as our newest associate member state in July, following a presentation to and meeting with the Nevada Commission on Mineral Resources on February 27 in Carson City, at which time the Commission voted to recommend that the state pursue membership in IMCC as an associate member. A follow up conference call with Nevada agency officials was held on March 28. IMCC also discussed membership with the states of Montana and Arizona and continues to work with New Mexico and Colorado on proposed legislation to bring them into the compact as full member states. IMCC met with staff from the South Carolina Department of Health and Environmental Control on May 14 in Columbia, South Carolina to discuss the state's ability to pay dues in FY 2013 and its continued membership in IMCC.

The IMCC Awards Committee met via conference call on March 22 to select winners of the IMCC National Reclamation awards. The IMCC Minerals Education Work Group met via

conference call on March 20 to select winners of the IMCC National Mineral Education awards.

IMCC worked with the state of West Virginia to prepare an *amicus curiae* brief for submission in litigation by the Oklahoma Department of Mines before the U.S. Court of Appeals for the Tenth Circuit involving the use of Ten-Day Notices in the context of state permitting decisions. Following a conference call with the Oklahoma Attorney General's office on February 8, IMCC sent a memo and briefing paper to the member states on February 13 seeking permission to submit the brief, which was filed on November 19. IMCC also sought and received permission from the member states to participate as *amicus* in two proceedings before the U.S. District Court for the District of North Dakota regarding the use of policy memoranda by states and conflict of interest requirements under SMCRA. Several conference calls with the attorneys representing North Dakota were held during the year to coordinate our legal positions and arguments.

As the year drew to a close, IMCC anticipated a bevy of activity that generally follows a national election, including congressional realignments and changes in the Administration. Given the number of actions that were placed on hold during the latter part of the year, IMCC positioned itself for what promised to be a very active beginning to 2013, particularly with respect to budget and appropriation matters. In preparation for this increase in activity, IMCC approved several resolutions in support of federalism and state primacy at its Mid-Year meeting in Chicago. Plans were also put in place to address several new initiatives including USEITI, bond forfeitures associated with bankruptcies, a revival of Good Samaritan legislation, cleanup of abandoned uranium mines, and critical and strategic minerals policy. Working in tandem with its member states, IMCC staff looks forward to advancing these new and pending issues in an effort to promote the states' interests as we seek to develop our abundant natural resources in an environmentally sensitive manner.

2012 Standing Committees

Environmental Affairs Committee

Coal Section

Thomas Callaghan, Pennsylvania, Chairman

Thomas Clarke, West Virginia, Vice Chairman

Noncoal Section

Tracy Davis, North Carolina, Chairman

Matthew Podniesinski, New York, Vice Chairman

Abandoned Mine Lands Committee

Mike Kastle, Oklahoma, Chairman

Tim Eagle, Tennessee, Vice Chairman

Mine Safety and Health

Butch Lambert, Virginia, Chairman

Craig Corder, Ohio, Vice Chairman

Finance and Administrative Committee

Scott Fowler, Illinois, Chairman

Tom Surtees, Alabama, Vice Chairman

Resolutions Committee

Bruce Stevens, Indiana, Chairman

John Caudle, Texas, Vice Chairman

Awards Committee

Lanny Erdos, Ohio, Chairman

Kevin Mohammadi, Missouri, Vice Chairman

(Members of the 2012 Awards Committee: Ohio, Missouri, Pennsylvania, North Carolina and Wyoming)

Legal Advisor

Sharon Pigeon, Virginia

Minerals Education Work Group

Stacy Barnett, Oklahoma, Chairman

Activities of the Standing Committees

Finance and Administrative Committee

The committee met on three occasions during 2012. The committee met via conference call on March 26 to prepare recommendations for staff compensation and benefits. On May 2 the committee met in Asheville, North Carolina in conjunction with the Compact's Annual Meeting. The committee reviewed the Compact's current financial condition; reviewed and approved the proposed Fiscal Year 2013 budget; reviewed and approved projected budgets for FY 2014 and 2015; were presented with an update by current associate member states regarding their membership status; and discussed the associate member dues structure.

On October 12, the committee met in Chicago, Illinois. The committee reviewed the Compact's current financial condition; reviewed and approved the Compact's Fiscal Year 2012 Audit; and received a report from the Ad Hoc Committee on Financial and Organizational Integrity Issues. A new dues structure for associate member states was approved, as was a short-form of enabling compact legislation for use by those states seeking full membership.

Resolutions Committee

The committee met jointly with the Finance and Administrative Committee twice in 2012. On May 2 in Asheville, North Carolina, the committee recommended approval of five resolutions of appreciation. (See *Resolutions* section of this Annual Report.)

On October 12 in conjunction with the IMCC Mid-Year Meeting in Chicago, Illinois, the committee met and recommended adoption of four resolutions. A vote on one of the resolutions was delayed to allow time for states to review it in detail. It was adopted later in

November. (See *Resolutions* section of this Annual Report.)

One additional resolution of appreciation was adopted via mail ballot in January 2012. (See *Resolutions* section of this Annual Report.)

Environmental Affairs Committee — Coal Section

The Coal Section of the Environmental Affairs Committee met on May 1, 2012 in Asheville, North Carolina in conjunction with the Compact's Annual Meeting. Among the topics discussed were: the Office of Surface Mining's (OSM) budget and appropriations issues; OSM rulemakings on stream protection, mine placement of Coal Combustion Residues, temporary cessation and impoundments; an update on consolidation of OSM with the Bureau of Land Management (BLM); OSM's celebration for the 35th anniversary of SMCRA; work by the states and OSM on a Geomine database pilot project; water quality requirements for coal mining permits; impact of hydraulic fracturing on coal mines; and Indiana bat protection and enhancements guidelines.

On October 11, 2012, the committee met in conjunction with the IMCC Mid-Year Meeting in Chicago, Illinois. Among the topics discussed were: OSM's budget and appropriations issues; OSM rulemakings on stream protection, mine placement of coal combustion residues, and temporary cessation; an update on OSM/BLM consolidation; oversight issues and concerns; and ethics requirements for state regulatory programs.

Environmental Affairs Committee — Noncoal Section

The Noncoal Section of the Environmental Affairs Committee met twice in 2012. On April 30 in Asheville, North Carolina, the committee met in conjunction with the Compact's Annual Meeting. The committee met again on October 11 in Chicago, Illinois in conjunction with the Mid-Year Meeting. Topics discussed at the April 30 meeting included: an update on the Environmental Protection Agency (EPA) and Office of Surface Mining (OSM) rulemakings regarding coal combustion residues; EPA rulemaking on financial assurance requirements under Section 108(b) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA); hardrock abandoned mine land and Good Samaritan legislation; potential IMCC-sponsored regional noncoal/hardrock workshops or symposia; Human Impact Assessments; the National Mining Association's Environmental Management System Guide; the Extractive Industries Transparency Initiative; and the National Strategic and Critical Minerals Production Act (H.R. 4402).

Topics of discussion at the committee meeting held on October 11 included: an EPA rulemaking on financial assurance requirements under Section 108(b) of CERCLA; hardrock abandoned mine land and Good Samaritan legislation; IMCC-sponsored regional noncoal/hardrock workshops planned for 2012 and 2013; EPA's National Mining Enforcement Initiative; the Extractive Industries Transparency Initiative; greater sage grouse habitat determinations; and the National Strategic and Critical Minerals Production Act (H.R. 4402).

Abandoned Mine Lands Committee

The Abandoned Mine Lands (AML) Committee met jointly with the Coal Section of the Environmental Affairs Committee on two occasions — May 1 in Asheville, North Carolina and October 11 in Chicago, Illinois. At the May 1 meeting, the committee discussed the following topics: proposed legislation to amend the Surface Mining Control and Reclamation Act (SMCRA) to eliminate payments to certified states and tribes and to revise the procedure for abandoned mine land (AML) grant distribution; an administration proposal to establish a hardrock AML program; and an update on funding for AML program grants.

At the October 11 meeting, topics discussed included: amendments to SMCRA included in the 2012 Surface Transportation Act (MAP-21) and the Continuing Resolution for Fiscal Year (FY) 2013 to cap annual AML payments to certified states; AML proposals contained in OSM's FY 2013 proposed budget; OSM analysis of AML expenditures by states and tribes; proposed rulemaking to clarify the limited liability issue; a draft resolution regarding OSM/Bureau of Land Management consolidation (see *Resolutions* section of this Annual Report); and a contract for services between IMCC and the National Association for Abandoned Mine Land Programs.

Mine Safety & Health Committee

The Mine Safety & Health Committee met jointly with the Noncoal Section of the Environmental Affairs Committee on two occasions in 2012 – on April 30 in Asheville, North Carolina in conjunction with the Compact's Annual Meeting, and on October 11 in Chicago, Illinois in conjunction with IMCC's Mid-Year Meeting. The committee also met via a 2 ½ hour conference call on April 10, 2012 with representatives from the Mine Safety and Health Administration (MSHA). Topics of

discussion at the April 30 meeting included: status of mine safety and health legislation; implementation of a new mine examiners rule published by MSHA; MSHA/Office of Surface Mining (OSM)/State Memoranda of Agreement on Impoundments; and MSHA proposed cuts to state training grants.

Topics discussed at the October 11 meeting included: status of mine safety and health legislation; MSHA state training grants; and a potential joint meeting between MSHA and the committee in January 2013.

Awards Committee

The Awards Committee met via conference call on March 22, 2012 to select winners of the 2012 Kenes C. Bowling National Mine Reclamation Awards. The Education Work Group met via conference call on March 20, 2012 to select winners of the 2012 IMCC National Minerals Education Awards.

The reclamation award recipients are listed elsewhere in this Annual Report. The awards were presented at the Annual Awards Banquet on May 1, 2012, which was held in conjunction with IMCC's Annual Meeting in Asheville, North Carolina.

The National Mineral Education Awards were also presented at the May 1 Awards Banquet. The education award recipients are also listed elsewhere in this Annual Report.

Committees and Committee Chairmen and Vice Chairmen for 2013

Environmental Affairs Committee

Coal Section

Thomas Clarke, West Virginia, Chairman

Jim Deutsch, North Dakota, Vice Chairman

Noncoal Section

Matthew Podniesinski, New York, Chairman

Mary Ann Pritchard, Oklahoma, Vice Chairman

Abandoned Mine Lands Committee

Tim Eagle, Tennessee, Chairman

Mike Garner, Maryland, Vice Chairman

Mine Safety and Health

Craig Corder, Ohio, Chairman

Franklin Reed, Kentucky, Vice Chairman

Finance and Administrative Committee

Tom Surtees, Alabama, Chairman

Butch Lambert, Virginia, Vice Chairman

Resolutions Committee

John Caudle, Texas, Chairman

Michael Woods, Illinois, Vice Chairman

Awards Committee

Kevin Mohammadi, Missouri, Chairman

Jim Stephens, Arkansas, Vice Chairman

(Members of the 2013 Awards Committee: Missouri, Arkansas, Kentucky, Maryland, Nevada)

Legal Advisor

Mark Secrest, Oklahoma

Minerals Education Work Group

Molly Edsall, Maryland, Chairman

Yearly Commission Meetings

2012 Annual Meeting — Asheville, North Carolina

The 2012 Annual Meeting was held at The Biltmore DoubleTree Hotel in Asheville, North Carolina from April 29 - May 2, 2012. Twenty-one of the 24 member states were in attendance and the state of New York participated via conference call. Attendees included approximately 55 persons consisting of IMCC members, other state representatives, federal officials, and industry representatives. The meeting was highlighted by a general session, committee meetings, the annual commission business meeting, a social reception and dinner, a scenic drive on the Blue Ridge Parkway to a mine tour, and the annual awards banquet.

The meeting began with welcome remarks by Dee Freeman, Secretary of the North Carolina Department of Environment and Natural Resources who opened the General Session on April 30. Speakers and topics covered during the session included: “From Stone Age to Space Age: 2,000 Years in the Mines of the Blue Ridge” by Peter Margolin, Retired, U.S. Geological Survey; “Shale Gas Exploration in North Carolina” by Dr. Kenneth Taylor, Chief, North Carolina Geological Survey Section; and “Geospatial Tools for Tracing Bond Release at a Large Wyoming Surface Coal Mine” by Anna Krzyszowska-Waitkus of the Wyoming Department of Environmental Quality and Scott Belden of Peabody Powder River Operations, LLC.

IMCC’s Standing Committee meetings commenced during the mid-morning of April 30 (see *Activities of the Standing Committees*). In the afternoon and evening attendees enjoyed a scenic drive on the Blue Ridge Parkway en route to a tour of the Wiseman-Sullins feldspar mine in the Spruce Pine area, followed by a dinner buffet at the Little Switzerland Inn.

The Standing Committee meetings resumed on the morning of May 1 and continued throughout the afternoon. At a banquet that evening, the IMCC presented its 2012 National Reclamation and Minerals Education Awards. (see *Awards* section later in this report for details.)

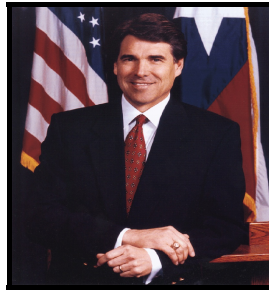
The Commission’s annual business meeting was held on May 2. The meeting was chaired by Bruce Stevens on behalf of the Compact’s Chairman, Governor Mitchell Daniels of Indiana. Subjects of action and discussion included: the Executive Director’s Report (see *Report of the Executive Director*); standing committee reports (see *Activities of the Standing Committees*); a report of the IMCC Strategic Planning Committee; IMCC executive director performance goals; and future IMCC meetings. In addition, five resolutions were adopted at the meeting and are contained in the *Resolutions* section of this Annual Report.

2012 Mid-Year Meeting – Chicago, Illinois

The Mid-Year Executive Commission Meeting of the IMCC was held in Chicago, Illinois at the Renaissance Blackstone Hotel, October 11 - 12, 2012. Nineteen of the 24 member states were in attendance. Committee meetings were held on October 11. A luncheon and a social reception were also held on October 11. Committee meetings resumed the morning of October 12. They were followed by the commission’s business meeting which concluded the meeting. The business meeting was chaired by Bruce Stevens on behalf of the Compact’s Chairman, Governor Mitchell Daniels of Indiana. Among the topics addressed at the meeting were: an Executive Director’s Report (see *Report of the Executive Director*); reports from standing committees of the Compact (see *Activities of Standing Committees*); election of officers for 2013; appointment of committee chairs for 2013; discussion of preparations for post-

election activity; and future IMCC meetings. In addition, three resolutions were adopted at the meeting and one additional resolution was adopted later in November and they are contained in the *Resolutions* section of this Annual Report.

Officers Elected for 2013



Chairman:
Governor Rick Perry
Texas



Vice Chairman:
Governor Pat Quinn
Illinois



Treasurer:
Governor Robert J. Bentley
Alabama

Resolution

Interstate Mining Compact Commission

BE IT KNOWN THAT:

WHEREAS, Sarah Donnelly has served as the Chief of the Division of Technical Training for the Office of Surface Mining, Reclamation and Enforcement for many years; and

WHEREAS, Sarah has been instrumental in assuring that both state and federal government agency personnel have been provided myriad and ample opportunities to learn and understand the legal and technical complexities associated with their regulatory responsibilities under the Surface Mining Control and Reclamation Act (SMCRA); and

WHEREAS, Sarah's leadership skills and dedicated public service during these years have been greatly appreciated by the member states of the IMCC; and

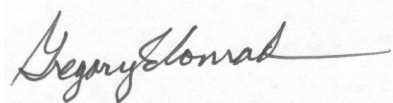
WHEREAS, Sarah's positive personality and dedication to government service have been particularly admired by all those who have had the privilege of knowing and working with her;

NOW THEREFORE BE IT RESOLVED:

That the member states of the Interstate Mining Compact Commission, who have had the honor and privilege of working closely with Sarah Donnelly over the years, express their sincere appreciation and heartfelt thanks to her for all she has done on behalf of the states and IMCC and wish her all the best in her retirement from federal government service.

Issued this 18th day of January, 2012

ATTEST:



Executive Director

Resolution

Interstate Mining Compact Commission

BE IT KNOWN THAT:

WHEREAS, Tracy Davis and his staff arranged an informative and interesting annual meeting for the Interstate Mining Compact Commission in Asheville, North Carolina from April 29 - May 2, 2012; and

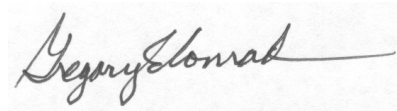
WHEREAS, our hosts warmly welcomed and generously extended their Southern hospitality to all attendees;

NOW THEREFORE BE IT RESOLVED:

That the Interstate Mining Compact Commission expresses its deep appreciation to Tracy Davis and all of the other state officials who assisted IMCC staff to assure a successful meeting.

Issued this 2nd day of May, 2012

ATTEST:



Executive Director

Resolution

Interstate Mining Compact Commission

BE IT KNOWN THAT:

WHEREAS, the Interstate Mining Compact Commission's (IMCC) Annual Meeting in Asheville, North Carolina from April 30 - May 2, 2012 was honored by the presence of The Honorable Dee Freeman, Secretary of the North Carolina Department of Environment and Natural Resources; and

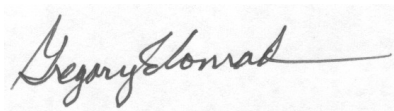
WHEREAS, Secretary Freeman presented the Welcoming Address during the Opening Session on April 30, 2012;

NOW THEREFORE BE IT RESOLVED:

That the Interstate Mining Compact Commission expresses its gratitude to Secretary Dee Freeman for his participation in making this year's meeting an outstanding success and for his support of IMCC.

Issued this 2nd day of May 2012

ATTEST:



Executive Director

Resolution

Interstate Mining Compact Commission

BE IT KNOWN THAT:

WHEREAS, The Interstate Mining Compact Commission's (IMCC) Annual Meeting in Asheville, North Carolina from April 29 - May 2, 2012 was honored by the presence of James D. Simons, State Geologist and Director of the Division of Land Resources within the North Carolina Department of Environment and Natural Resources; and

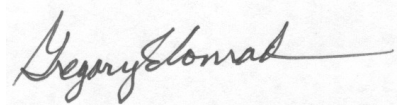
WHEREAS, Mr. Simons served as the Master of Ceremonies at the Annual Awards Banquet on May 1, 2012;

NOW THEREFORE BE IT RESOLVED:

That the Interstate Mining Compact Commission expresses its gratitude to Jim Simons for his participation in making this year's meeting an outstanding success and for his support of IMCC.

Issued this 2nd day of May 2012

ATTEST:



Executive Director

Resolution

Interstate Mining Compact Commission

BE IT KNOWN THAT:

WHEREAS, throughout the years the Interstate Mining Compact Commission has been privileged to hear many excellent speakers at its meetings; and

WHEREAS, it is through these speakers that the Commission is able to keep abreast of new developments, new policies, and new technology in the fields of mining and environmental protection; and

WHEREAS, the speakers who addressed the Commission's Annual Meeting on April 30, 2012 in Asheville, North Carolina are men and women of outstanding ability in their respective fields, and the benefit of their advice and experience are a valuable contribution to the Commission; and

WHEREAS, the Commission is most appreciative of the time and effort the speakers have expended in the preparation and presentation of their remarks;

NOW THEREFORE BE IT RESOLVED:

That the Interstate Mining Compact Commission (IMCC) expresses its sincere gratitude to

Dr. Kenneth Taylor

Peter Margolin

William James

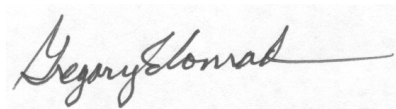
Larry Evans

Scott Belden

Anna Krzyszowska-Waitkus

Issued this 2nd day of May, 2012

ATTEST:



Executive Director

Resolution

Interstate Mining Compact Commission

BE IT KNOWN THAT:

WHEREAS, James D. Simons has served as an active member of the Interstate Mining Compact Commission (IMCC) on behalf of the state of North Carolina for many years and most recently as the Governor's official representative to the Compact; and

WHEREAS, Jim's leadership skills and dedicated public service during these years have been a positive and important force in the growth, direction, credibility, and influence of the IMCC; and

WHEREAS, Jim has served as the chairman of several IMCC Standing Committees over the years; and

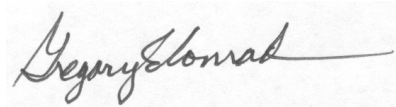
WHEREAS, Jim's positive personality and dedication to government service have been appreciated by all those who have had the privilege of knowing and working with him;

NOW THEREFORE BE IT RESOLVED:

That the member states of the Interstate Mining Compact Commission, who have had the honor and privilege of working closely with Jim Simons over the years, express their sincere appreciation and heartfelt thanks to him for all he has done on behalf of the states and IMCC and wish him all the best in his retirement from state government service.

Issued this 1st day of May, 2012

ATTEST:



Executive Director

Resolution

Interstate Mining Compact Commission

Re Financial Responsibility (Bonding) for Mine Reclamation

BE IT KNOWN THAT:

WHEREAS, the development of our Nation's minerals necessarily involves the surface disturbance of the land and often results in impacts to air and water resources; and

WHEREAS, state and national laws provide for the reclamation of land disturbed by mining and for the protection of human health and the environment related to those disturbances; and

WHEREAS, with regard to hardrock and noncoal mineral development, state governments have largely taken the lead in fashioning regulatory programs that address environmental protection and reclamation requirements; and

WHEREAS, an important component of state regulatory programs is the requirement that mining companies provide financial assurances in a form and amount sufficient to fund required reclamation if, for some reason, the company fails to do so in accordance with the state program. These types of financial assurances, often referred to as bonding, protect the public from having to finance reclamation and closure if the company goes out of business or fails to meet its reclamation obligation; and

WHEREAS, all states have developed regulatory bonding programs to evaluate and approve the financial assurances required of mining companies. States have also developed the staff and expertise necessary to calculate the appropriate amount of bonds, based on the unique circumstances of each mining operation, and to make informed predictions of how the real value of current financial assurance may change over the life of the mine, including post-closure; and

WHEREAS, Section 108(b) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C. Sec. 9608(b), requires that the U.S. Environmental Protection Agency (EPA) promulgate financial responsibility requirements for industrial facilities that take into account the risks associated with their use and disposal of hazardous substances; and

WHEREAS, pursuant to a federal district court decision in California (*Sierra Club v. Johnson*, 2009 WL 2413094 (N.D. Cal. 2009)) which ordered EPA to move forward with the rulemaking, EPA announced in July 2009 that it has selected hardrock mining as the first industry sector for which it would develop financial responsibility requirements under CERCLA Section 108(b) (74 Fed. Reg. 37213, July 28, 2009); and

WHEREAS, in preparation for its rulemaking, EPA has recently undertaken an analysis of reclamation bonding requirements in approximately 20 state regulatory programs throughout the U.S.; and

WHEREAS, since the initiation of EPA’s rulemaking initiative, a number of IMCC member states have expressed concern that any bonding requirements that EPA may develop for the hardrock and noncoal mining industry could be duplicative of state requirements, and could even preempt them entirely under EPA’s reading of Section 114(d) of CERCLA. The states have also questioned whether EPA has the resources to implement reclamation bonding for hardrock and noncoal mines, since bond calculations usually reflect site-specific reclamation needs and costs; and

WHEREAS, the states are concerned that EPA may be attempting to fill alleged “gaps” in state reclamation bonding programs that either may not exist or that are unrelated to the purposes of a reclamation bonding program;

NOW THEREFORE BE IT RESOLVED:

That the Interstate Mining Compact Commission recognizes the states’ lead and primary role in regulating the environmental impacts associated with hardrock and noncoal mining operations within their borders, including financial assurance requirements for reclamation; and

Affirms that the states have a proven track record in regulating mine reclamation, having developed appropriate statutory and regulatory controls and dedicated resources and staff to insure full and effective implementation of their regulatory programs; and

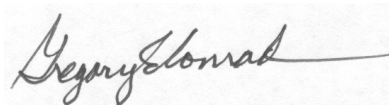
Believes that the states currently have financial responsibility programs in place that are working well and as such should stand in lieu of federal requirements under Section 108(b) of CERCLA; and

Recommends that an independent, impartial body (such as the National Academy of Sciences) conduct a study to review financial responsibility requirements under state regulatory programs to determine their sufficiency, to identify any serious gaps, and to recommend whether a federal rulemaking on the matter is needed; and

Urges the U.S. Environmental Protection Agency to seriously reconsider the need for and direction of the anticipated financial responsibility rulemaking under Section 108(b) of CERCLA given its potential impacts on existing state regulatory programs, particularly with regard to preemption effects and the duplication of resources resulting from an unnecessary federal regulatory program.

Issued this 12th day of October, 2012

ATTEST:



Executive Director

Resolution

Interstate Mining Compact Commission

BE IT KNOWN THAT:

WHEREAS, the Surface Mining Control and Reclamation Act of 1977 (SMCRA) provides for the vesting of exclusive jurisdiction with the states for the regulation of surface coal mining and reclamation operations within their borders following approval of a state program by the Secretary of the Interior; and

WHEREAS, over the past 35 years, the states have established and been recognized for their commitment to implementing the goals and objectives of SMCRA; and

WHEREAS, under the primacy regime envisioned by Congress under SMCRA, a stable, consistent and effective state/federal partnership was anticipated based on principles of comity and federalism; and

WHEREAS, a disregard for these principles will undermine the effective implementation of SMCRA; and

WHEREAS, pursuant to the enhanced federal oversight initiative contained in the June 2009 Memorandum of Understanding between the U.S. Department of the Interior, the U.S. Environmental Protection Agency and the U.S. Army Corps of Engineers, the Office of Surface Mining Reclamation and Enforcement (OSMRE) has issued three directives concerning the use of Ten-Day Notices (INE-35) in primacy states and the annual evaluation of state program implementation (REG-8 and REG-23); and

WHEREAS, the result of these directives has been a noticeable increase in the issuance of TDNs in primacy states and in some cases, as a follow on to the TDNs, the filing of notices of intent to sue and/or complaints for declaratory action; and

WHEREAS, at the same time that OSMRE is proposing to cut regulatory grants to states, these actions also result in a significant drain on limited state resources for the implementation of regulatory programs and often erode the state/federal working relationship under SMCRA

NOW THEREFORE BE IT RESOLVED:

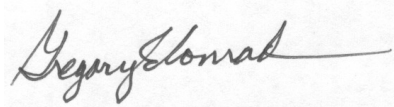
That the Interstate Mining Compact Commission reasserts its commitment to the principles of primacy and federalism that underlie implementation of the Surface Mining Control and Reclamation Act of 1977; and

That the IMCC looks for the same commitment from the Interior Department and the Office of Surface Mining Reclamation and Enforcement and anticipates the continuation of an effective state/federal partnership under SMCRA; and

That, in light of the above, the IMCC urges OSMRE to rescind the Ten-Day Notice Directive (INE-35) and to work cooperatively with the states in re-designing Directives REG-8 and REG23 concerning the annual evaluation of state programs to address state concerns.

Issued this 12th day of October, 2012

ATTEST:



Executive Director

Resolution

Interstate Mining Compact Commission

BE IT KNOWN THAT:

WHEREAS, Title IV of the Surface Mining Control and Reclamation Act of 1977 (SMCRA) established the Abandoned Mine Land (AML) reclamation program; and

WHEREAS, the Interstate Mining Compact Commission (IMCC) is a multi-state organization representing the natural resource and environmental protection interests of its 25 member states, including programs for the elimination of health and safety hazards and the reclamation of land and water resources adversely affected by past mining and left in an abandoned or inadequately restored condition; and

WHEREAS, pursuant to the cooperative federalism approach contained in SMCRA, several IMCC member states administer AML programs approved, funded and overseen by the Office of Surface Mining and Reclamation (OSM) within the U.S. Department of the Interior; and

WHEREAS, in the course of their work, the states have worked cooperatively with the Bureau of Land Management (BLM) within the U.S. Department of the Interior pursuant to authorities under federal mining and land use management laws to reclaim abandoned hardrock sites; and

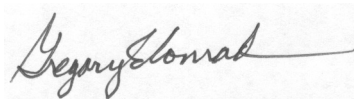
WHEREAS, the states have over 30 years of experience in developing, designing, contracting for and managing projects for the reclamation of abandoned and inactive mines and have been recognized as experts in accomplishing this reclamation work

NOW THEREFORE BE IT RESOLVED:

That the Interstate Mining Compact Commission urges the U.S. Department of the Interior, through BLM and OSM, to consult with the states as it develops and implements decisions regarding any consolidation of authorities and responsibilities between BLM and OSM pursuant to Secretarial Order Number 3320 dated April 13, 2012.

Issued this 12th day of October, 2012

ATTEST:



Executive Director

Resolution

Interstate Mining Compact Commission

Re Federalism and Funding

BE IT KNOWN THAT:

WHEREAS, pursuant to the cooperative federalism approach embodied in many national environmental and natural resource protection laws, state governments serve as primary regulators, while also functioning as partners with various federal agencies that share similar authorities and responsibilities for the development and implementation of national environmental and natural resource protection laws; and

WHEREAS, Congress has expressed its intent under these national laws to recognize, preserve and protect the primary responsibilities and rights of the states to plan, develop and implement laws and regulations that insure the restoration, preservation and enhancement of land and water resources and therefore has delegated, authorized or provided exclusive jurisdiction (primacy) for certain federal program responsibilities to states which, among other things, enables states to establish programs that go beyond minimum federal program requirements; and

WHEREAS, various state and federal courts throughout the country have validated the primary regulatory role of the states under this regulatory approach; and

WHEREAS, states that have received delegation or “primacy” have demonstrated that they have the independent authority, technical ability and fiscal wherewithal to adopt and implement laws, regulations and policies at least as stringent as federal counterparts; and

WHEREAS, the delegation of new federal environmental and natural resources protection rules and policies to the states by federal agencies continues at a steady pace; and

WHEREAS, federal financial support in the way of grants to the states to implement these programs has steadily declined; and

WHEREAS, cuts in federal support adversely affects the states’ ability to implement federal programs in a timely manner and to adequately protect human health and the environment and appropriately develop our Nation’s natural resources; and

WHEREAS, from the states’ point of view, funds that support operation of delegated primacy programs are essential to provide the necessary resources to meet statutory requirements related to public health and the environment and natural resource development; and

WHEREAS, states currently perform the vast majority of environmental and natural resource protection tasks in America, including significant percentages of permitting, enforcement and compliance actions, including the collection of environmental quality data to support those decisions; and

WHEREAS, as a direct result of the experience and expertise of the states in implementing these regulatory programs, the federal government has realized significant savings based on what it would otherwise cost federal agencies to implement equivalent programs; and

WHEREAS, these accomplishments represent the success of a cooperative working relationship between the states and federal government agencies as originally envisioned by Congress; and

WHEREAS, federal government agencies provide meaningful value in achieving the protection of human health and the environment and developing our Nation's natural resources by fulfilling numerous complementary functions such as establishing minimum national standards, ensuring state-to-state consistency in the implementation of those standards, supporting research, and providing training and technical support; and

WHEREAS, with respect to the implementation of state-delegated (or "primacy") programs, the role of federal government agencies becomes one of appropriate oversight and funding support, rather than state-level implementation or second-guessing of state programs; and

WHEREAS, it is vital that the federal government encourage flexibility for states to develop regulatory programs that address local conditions and to incorporate new procedures and techniques that accomplish agreed-upon environmental and natural resource program requirements, thereby assuring an effective and efficient expenditure of taxpayer's money

NOW THEREFORE BE IT RESOLVED THAT THE INTERSTATE MINING COMPACT COMMISSION:

Affirms its continuing support for the protection of human health and the environment and the appropriate development of our Nation's natural resources by providing for clean air, clean water, the proper handling of waste materials, and the restoration of mine lands; and

Recognizes the continuing need for states as primary regulators to jointly work together with the federal government for the most efficient and effective use of limited resources for the greatest environmental benefit; and

Affirms the need for adequate funding for environmental and natural resource programs at both the state and federal level given the vitally important role of both levels of government; and

Affirms that assumption of environmental and natural resource protection authority by the states is supported, while opposing preemption of state authority, including preemption that limits the states' ability to establish environmental or natural resource protection programs more stringent than federal programs; and

Supports the authorization or delegation of programs to the states and believes that when a program has been authorized or delegated, the appropriate federal focus should be on program oversight/review as opposed to intervention in program implementation; and

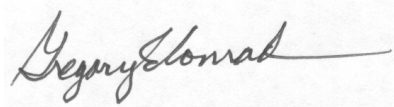
Supports early, meaningful and substantial state involvement in the development and implementation of environmental and natural resource statutes, policies, rules, programs, reviews, budgets and strategic planning and calls upon Congress and appropriate federal agencies to provide expanded opportunities for such involvement; and

Believes that such integrated consultation will increase mutual understanding, improve state-federal relations, remove barriers, reduce costs and more quickly improve the Nation's environmental quality and natural resource development; and

Affirms its support for the concept of flexibility, with states viewed as laboratories of invention, whereby the function of the federal government, working with the states, is largely to set goals for environmental protection and natural resource development that, to the maximum extent possible, leave the accomplishment of those goals primarily to the states, especially as relates to the use of different methods to implement core programs and to develop new programs.

Issued this 16th day of November, 2012

ATTEST:



Executive Director

Financial Reports

*Interstate Mining Compact Commission
Statement of Financial Position for the Year Ended June 30, 2012*

ASSETS

Cash	\$ 111,183.00
Investments	400,000.00
Accounts receivable	71,175.00
Interest receivable	3,730.00
Prepaid expenses and deposits	5,092.00
Property and equipment, net	3,623.00
Total assets	594,803.00

LIABILITIES AND NET ASSETS

Liabilities:	
Accrued vacation	42,396.00
Deferred rent	5,099.00
Total liabilities	47,495.00
Net assets:	
Unrestricted	547,308.00
Total net assets	547,308.00
Total liabilities and net assets	594,803.00

Financial Reports

*Interstate Mining Compact Commission
Statement of Activities
For the Year Ended June 30, 2012*

Unrestricted revenue and support	
Assessments	\$544,073
Government grants and contracts	20,000
Conferences and meetings	16,575
Interest income	8,973
Other income	146
Total revenue and support	589,767
Expenses	
Government programs	\$20,000
Administrative and general	499,360
Total expenses	519,360
Change in net assets	70,407
Net assets, beginning of year	476,901
Net assets, end of year	\$547,308

Financial Reports

Interstate Mining Compact Commission Schedule of Comparison of Expenses and Budget For the Year Ended June 30, 2012

Description	Government Grants	Admin. & General	Totals	Budget	Variance Over (Under)
Salaries	\$7,500	\$307,578	\$315,078	\$312,000	\$ 3,078
Employee benefits	—	84,731	84,731	115,000	(30,269)
Rent	—	36,714	36,714	37,000	(286)
Conference and meetings	—	22,399	22,399	25,000	(2,601)
Travel	—	15,543	15,543	22,000	(6,457)
Contractual services	—	10,931	10,931	—	10,931
Publications	—	2,786	2,786	10,000	(7,214)
Telephone	—	7,293	7,293	12,000	(4,707)
Auditing	—	4,700	4,700	6,500	(1,800)
Postage	—	1,084	1,084	3,000	(1,916)
Equipment expenses	—	2,520	2,520	3,000	(480)
Office supplies	—	5,026	5,026	3,500	1,526
Other expenses	—	2,294	2,294	2,600	(306)
Insurance	—	4,852	4,852	4,500	352
Printing	—	750	750	1,900	(1,150)
Registration fees/ subscriptions	—	625	625	2,000	(1,375)
Utilities	—	1,094	1,094	2,000	(906)
Depreciation	—	940	940	—	940
Overhead allocation	12,500	(12,500)	—	—	—
Total expenses	\$ 20,000	\$ 499,360	\$ 519,360	\$ 562,000	\$(42,640)

Member State Permitting Data

PERMITS ISSUED AND ACRES OF LAND DISTURBED AND RECLAIMED
JANUARY 1 - DECEMBER 31, 2012 FOR COAL SURFACE MINING

State/Enforcement Agency	# Permits Issued	# Acres Permitted	#Acres Disturbed	# Acres Reclaimed
Alabama Surface Mining Commission	13	6,430		
Alaska Dept. of Natural Resources	0 (new 2012); 12 (renewed)	0 (new); 12,397 (total)	130 (new); 1,777 (total)	0 (2012); 8,967 (total) ¹
Arkansas Dept. of Environmental Quality	1	1,489	865	62
Colorado Division of Reclamation, Mining & Safety	2	172,207	19,029	1,346 ²
Illinois Dept. of Natural Resources, Office of Mines & Minerals, Land Reclamation Division	1	214	1,696.5	140
Indiana Dept. of Natural Resources, Division of Reclamation	6	4,423.1 ³	2,743.2 ⁴	2,570.5
Kentucky Dept. for Natural Resources, Division of Mine Reclamation and Enforcement	697	79,700	249,526	15,278
Louisiana Dept. of Natural Resources, Office of Conservation	1	1,756	21,305	64
Maryland Bureau of Mines ⁵	3	45	2,674	283
Missouri Department of Natural Resources, Land Reclamation Program	1	111.9	50	0
New Mexico Energy, Minerals & Natural Res. Dept., Coal Mine Reclamation Program ⁶	0	0	597	967
North Dakota Public Service Commission	0	0	2,420	1,695 ⁷
Ohio Dept. of Natural Resources, Division of Mineral Resources Management	12 (new); 12 (adjacent areas)	3,125 (total)	40,232.2 ⁸	3,789.8 ⁹
Oklahoma Dept. of Mines	2 (permits); 58 (permits on IUL); 18 (revisions)	21,491	10,141	1,521
Pennsylvania Dept. of Environmental Protection	71	9,211	2,896	5,462
Texas Railroad Commission	5 (new, renewals and revisions)	8,827.0 ¹⁰	6,412.9 ¹¹	3,027.6 ¹²
Utah Division of Oil, Gas and Mining	0 (new 2012); 30 (total active permits)	331.75 (new in 2012); 136,157.14 (total) ¹³	7.56 (new in 2012); 3,227.71 (total)	57.93 (2012 phase III bond release)
Virginia Dept. of Mines, Minerals & Energy, Division of Mined Land Reclamation	9 (8 - new; 1 - transfer)	79,616.36	56,453.93; 66,983.03 (acres bonded)	3,113,61; 32,892.54 (total reclaimed)
West Virginia Dept. of Environmental Protection, Division of Mining and Reclamation	86 (2012 new and amendments)	14,472 (2012); 334,393 (total)	120,891 (total) ¹⁴	4,631 (2012 released - Phase III)
Wyoming Dept. of Environmental Quality, Land Quality Division	0	440,539 (total)	157,739 (total)	45,970 (total)

See footnotes on following page...

¹ Only Phase III bond release reported.

² "Acres Reclaimed" are those acres for which final bond release was approved.

³ Surface Acres 4,423.1 + Underground Shadow Acres 0.0 = 4,423.1 Acres.

⁴ Acres Mined 2,013.4 + Acres Disturbed 729.8 = 2,743.20.

⁵ Number of acres permitted is the number of acres for which bond was posted during the reporting period. Number of acres disturbed is the number of actual disturbed acres that have not been approved for phase 3 release as of 12/31/2012. Number of acres reclaimed is the number of acres for which phase 3 release was approved during the reporting period.

⁶ The numbers shown are for permitting and mining/reclamation activity taking place during the calendar year 2012. These numbers do not represent cumulative acreage. Reclaimed lands means that full bond release has been approved.

⁷ "Acres Disturbed" are based on the areas that were reported as disturbed in 2012 according to annual maps submitted by the mine operators and "Acres Reclaimed" reflects the reclaimed acreage that was seeded in 2012 as reported on the annual maps.

⁸ Total coal bonded acres as of 12/31/2012.

⁹ Phase III (final) acres released 1/1/2012 - 12/31/2012.

¹⁰ Total permit acreage as of 12/31/2012 (318,766.79 acres) minus total permit acreage as of 1/1/2012 (309,939.79 acres) = 8,827.0 acres.

¹¹ 2,790.4 acres mined and 3,622.5 acres non-mined disturbed = 6,412.9 acres.

¹² Phase III bond release approval (may not have been removed from permitted acreage).

¹³ This reflects the total permitted acres of all mines at the end of 2012.

¹⁴ Disturbed Acres (total) means the total number of disturbed acres, including acreage disturbed and reclaimed but not yet receiving final bond release, associated with permits that as of 12/31/12 were not final released or revoked.

Member State Permitting Data

PERMITS ISSUED AND ACRES OF LAND DISTURBED AND RECLAIMED
JANUARY 1 - DECEMBER 31, 2012 FOR NONCOAL SURFACE MINING

State/Enforcement Agency	# Permits Issued	# Acres Permitted	#Acres Disturbed	# Acres Reclaimed
Alabama Department of Labor	22 (new); 320 (renewals)	10,761	22,000	742
Alaska Dept. of Natural Resources	5 (new); 9 (total) ¹	522 (new); 8,967 (total) ¹	380 ¹	598 ¹
Arkansas Dept. of Environmental Quality	54	30,744	16,997	124
Colorado Division of Reclamation, Mining and Safety, Minerals Program	24	187,873	110,967	1,114 ²
Illinois Dept. of Natural Resources, Office of Mines & Minerals, Mine Safety & Training Div., Blasting and Explosives Unit	19	1,237	543	404.42
Indiana Dept. of Natural Resources, Division of Reclamation ³	6	590.95	20	5
Kentucky Dept. for Natural Resources, Division of Mine Reclamation and Enforcement	71	50,476	21,380	65.10
Maryland Minerals, Oil & Gas Division	62	1,473.34	14,324.02	6,744.97
Missouri Department of Natural Resources, Land Reclamation Program	364	33,958.46	33,958.46	339
Nevada Division of Environmental Protection ⁴	245 ⁵	185,731	127,690	150
New Mexico Energy, Minerals and Natural Resources Dept., Mining Act Reclamation Prog. ⁶	49	53	395.50	60.80
New York State Dept. of Environmental Conservation, Div. of Mineral Resources	40 (new in 2012); 2023 (total active)	146,162 (total) ⁷	59,902 (total) ⁸	1,013 (2012); 34,641 (total) ⁸
North Carolina Dept. of Environment & Natural Resources	852	75,487	43,296	2,805
Ohio Dept. of Natural Resources, Division of Mineral Resources Management	6 (new); 30 (amended)	1,497 (total)	1,559.3 ⁹	894.6 ¹⁰
Oklahoma Dept. of Mines	¹¹	143,457	55,482	1,700
Pennsylvania Dept. of Environmental Protection	82	2,696	1,621	976
South Carolina Dept. of Health and Environmental Control	24	1,186.2	595.8	307.5
Tennessee Department of Environment and Conservation	11	4,962	3,281	247
Utah Division of Oil, Gas and Mining	650 (total); 30 (new)	67,017 (total)	67,017 (total)	431
Virginia Dept. of Mines, Minerals and Energy, Division of Mineral Mining	12 (total); 3 (new); 9 (transfers)	28,061.34	13,748.45 ¹³	141.25 (released from bond)
West Virginia Dept. of Environmental Protection, Division of Mining and Reclamation	1 (2012 permits and amendments)	27 (2012); 12,393 (total)	5,179 (total)	192 (2012 released - Phase III)
Wyoming Dept. of Environmental Quality, Land Quality Division ¹²	67 (includes small operations)	1,038,188 (total); 5,588 (new)	N/A	N/A

See footnotes on following page...

¹ Does not include placer mining. In 2011, more than 280 placer mining permits were issued. Placer mining numbers for 2012 are expected to be similar, if not greater, than the number reported in 2011.

² "Acres Reclaimed" are those acres for which final bond release was approved.

³ Clay/Shale only.

⁴ The extraction of aggregate is not regulated as mining in Nevada.

⁵ Reclamation permits.

⁶ For noncoal minerals the majority of permits issued represent minimal impact mining (2), exploration (10), and general permits (37). General permits include recreational miners. Noncoal does not include sand and gravel operations. Acres reclaimed means regrading and seeding has occurred, not necessarily bond release. The numbers shown are for permitting and mining/reclamation activity taking place during calendar year 2012. These numbers do not represent cumulative acreage.

⁷ Permits issued for new mines in 2012.

⁸ Total statewide acreage figures since New York State Mined Land Reclamation Law enacted 1975.

⁹ Noncoal mineral acres bonded 1/1/2012 - 12/31/2012.

¹⁰ IM-7 (final) acres released 1/1/2012 - 12/31/2012.

¹¹ Permits Issued – 59; Revisions – 71; Transfers – 10; Limited Use Permits Issued – 32; Annual Reviews of Permits – 560; Permits on IUL – 740.

¹² Noncoal minerals includes construction materials such as sand and gravel. The noncoal category also includes small mining operations limited to 10 acres.

¹³ Disturbed Acres (total) means the total number of disturbed acres, including acreage disturbed and reclaimed but not yet receiving final bond release, associated with permits that as of 12/31/12 were not final released or revoked.

Member State Reclaimed Land Use Data

USE OF LAND FOLLOWING RECLAMATION (PERCENT) JANUARY 1 - DECEMBER 31, 2012 FOR COAL SURFACE MINING

State	Pasture	Wildlife	Forest	Commercial	Other
Alabama	0	.50	50	0	49.5 ¹
Alaska	0	100	0	0	0
Arkansas	0	0	23	21	56
Illinois	2.1	57.8	.1	1.1	38.9 (cropland)
Indiana	< 1 (12.1 acres)	21 (529.3 acres)	23 (595.5 acres)	1 (32.1 acres)	55 ² (1,401.5 acres)
Kentucky	32	43	19	2	4
Louisiana	0	0	0	100	0
Maryland	50	4	45	1	0
Missouri	60	6	0	2	32 ³
New Mexico	0	100	0	0	0
North Dakota	31	2	1	5	59 (cropland); 2 (other)
Oklahoma	95	2	0	1	2 (water)
Pennsylvania ⁴	30	5	50	2	13
Texas	541.1 acres	954.4 acres	1,161.5 acres	196.6 acres	174 acres (water resources)
Utah	0	100	0	0	0
Virginia	44.3 (227.81 acres)	3.1 (15.90 acres)	31.9 (163.62 acres)	19.7 (100.98 acres) (industrial/ commercial)	1 ⁵ (5.20 acres)
West Virginia	0	25	70	2.5	2.5 ⁶
Wyoming	0	0	0	5	95 (rangeland & wildlife habitat)

¹“Other” land uses = undeveloped.

² For coal “Other land uses: 1,184.1 Acres (46%) Cropland; 184.8 Acres (7%) Water; 31.1 Acres (1.2%) Roads; 1.5 Acres (< 1%) Residential.

³ For coal “Other” land uses = 17.7 acres water and 79 acres prime farmland.

⁴ Land use percentages are estimates based on observations.

⁵ “Other” land uses = public utilities, roads, buildings and facilities.

⁶ “Other” (2.5%) land uses = combined use (i.e. two or more land uses on one permit).

Member State Reclaimed Land Use Data

USE OF LAND FOLLOWING RECLAMATION (PERCENT) JANUARY 1 - DECEMBER 31, 2012 FOR NONCOAL SURFACE MINING

State	Pasture	Wildlife	Forest	Commercial	Other
Alabama	400 (acres)	35 (acres)	150 (acres)	7 (acres)	150 (acres) (lakes)
Alaska	0	100	0	0	0
Arkansas	63.1	36.9	0	0	0
Illinois	78 (312.71 acres)	3 (9.5 acres)	6 (26.4 acres)	13 (55.81 acres)	0
Indiana	0	52 (304.95 acres)	< 1 (1.0 acres)	0	¹
Kentucky	44	0	9	2	45
Maryland	60	10	5	20	0
Missouri	37	19	0	28	16 (water)
Nevada	0	100 ²	0	0	0
New Mexico ³	0	100	0	0	0
New York	0	40.7	0.3	8.2	50.8 ⁴
North Carolina ⁵	N/A	N/A	N/A	N/A	100
Oklahoma	87	0	0	11	2 (water)
Pennsylvania ⁶	10	5	10	15	60
South Carolina	53 (163.9 acres)	0	7 (21.4 acres)	0	40 (122.2 acres) (lake/pond)
Tennessee	70	0	30	0	0
Utah	0	431 (acres)	0	0	0
Virginia	18 (25.10 acres)	51 (71.9 acres)	0	24 (33.43 acres)	7 (10.82 acres)
Wyoming	0	0	0	0	98 ⁷

¹ Clay/Shale only: 268.7 acres (45%) water; 15.3 acres (2%) cropland; 1.0 acre (< 1%) residential.

² The 150 acres reclaimed in 2012 is private land without a designated use. Since it is not fenced, the reclaimed area will be utilized by wildlife from adjacent public land.

³ The percentages for use of land following reclamation are for mined lands reclaimed in 2012.

⁴ Includes 11.5% agricultural farmland and 39.3% wetland/lake.

⁵ The North Carolina mining program does not collect post mining land use information.

⁶ Land use percentages are estimates based on observations.

⁷ "Other" = rangeland and wildlife habitat.

2012 Kenes C. Bowling Reclamation Award Winners

2012 Winners

The following companies were winners of the Compact's 2012 national reclamation awards and were presented with plaques at the 2012 awards banquet:

Coal Category Winner:

Peabody Powder River Operations, LLC – North Antelope Rochelle Mine (Wyoming)

Noncoal Category Winner:

Virginia Vermiculite, LLC – Sansom Mill and Mine (Virginia)

2012 Minerals Education Award Winners

2012 Winners

The following were winners of the Compact's annual minerals education awards, which were presented during the awards banquet held in conjunction with the 2012 Annual Meeting in Asheville, North Carolina. The mining educator awareness award is presented to a teacher or school from one of the Compact's member states. The winner receives an engraved plaque and a \$500 award to go toward teaching materials. The public outreach award is presented to an industry, environmental, citizen, or other group from one of the Compact's member states, or to a member state government body. The public outreach award winner is presented with an engraved plaque of recognition.

Mining Educator Awareness Category Winner:

Justin (Jud) M. Spanneut, Earth Science Teacher, New Hartford Central Schools (New York)

Public Outreach Category Winners:

(There were two winners in this category in 2012)

Lignite Energy Council (North Dakota)

Paul H. Griggs, President and Principal Geologist with Griggs-Lang Consulting Geologists, Inc. (New York)

2012 Honorable Mention Recipients

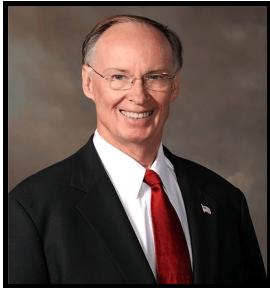
Public Outreach Category Honorable Mentions:

Best Sand Corporation (Ohio)

Kentucky Coal Mining Museum and Portal 31 (Kentucky)

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Alabama

Commissioner's Official Representative



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Surface Mining and
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Kentucky



Dr. Leonard K. Peters
Secretary
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Cabinet



Governor
Bobby Jindal

Louisiana

**Photo
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Vacant

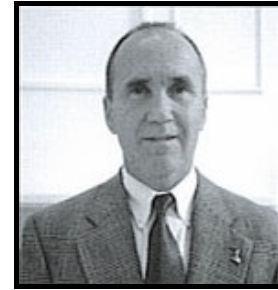
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Water Management
Administration



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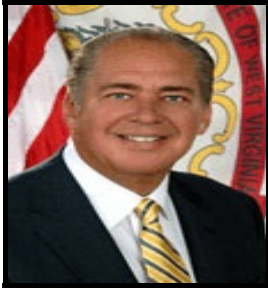
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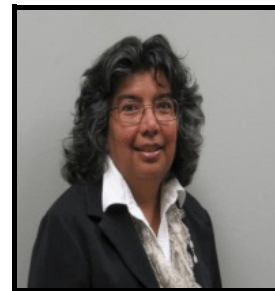


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